

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER VGOB -98-09/15-0681

ELECTIONS: UNIT S-35  
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on November 24, 1998 which was recorded at Deed Book 485, Page 278 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 7, 1998, (herein "Board Order") and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CONSOL Inc. (herein "Designated Operator") to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board's Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board's Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates that the escrow of funds is required with regard to Unit S-35;

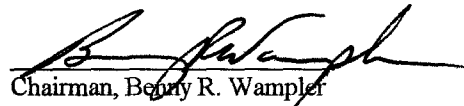
Order: By this Order, the Board orders the Designated Operator to tender, consistent with and in accordance with the findings set forth at paragraph 2. above and the annexed affidavit of elections with Exhibits thereto, any funds subject to escrow and instructs the Escrow Agent, First Virginia Bank-Mountain Empire, c/o Trust Department, P.O. Box 1038, Abingdon, VA 24210, or any successor named by the Board to establish interest bearing escrow account(s), IRS Tax Identification Number 54-1629506, in accordance with the information set forth in the affidavit of elections with Exhibits thereto, to receive funds and account to the Board therefor.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 3rd day of May, 1999, by a majority of the Virginia Gas and Oil Board.

  
Chairman, Benny R. Wampler


STATE OF VIRGINIA  
COUNTY OF WISE

Acknowledged on this 3rd day of May, 1999, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Susan G. Garrett  
Notary


My commission expires: 7/31/02.

DONE AND PERFORMED THIS 6th day of May, 1999, by Order of the Board.

  
Byron Thomas Fulmer  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF WASHINGTON

Acknowledged on this 6th day of May, 1999, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bryon Thomas Fulmer, being duly sworn did depose and say that he is Principal Executive to the Staff, Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

  
Diane J. Davis, Notary

My commission expires: 9/30/2001.

That after the pooling hearing held in the captioned matter, the following persons have leased or entered into a voluntary agreement with the Designated Operator:

None.

that to the extent any of said persons listed in Exhibit B-2 have rights, interests and claims which are not subject to escrow, they should be dismissed as respondents; the Operator requests that the following persons be dismissed as Respondents:

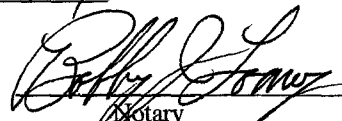
None.

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Tazewell, Virginia, this 12<sup>th</sup> day of JANUARY 1999.

  
Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Permit Specialist of CONSOL Inc., on behalf of the corporate Designated Operator, this 12<sup>th</sup> day of JANUARY, 1999.

  
Notary

My commission expires: 1-31-2001.

UNIT S-35  
Docket # VGOB-98-0915-0681  
Exhibit B-3

## List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	Election
<b>I. COAL FEE OWNERSHIP</b>			
<b>Tract #4, 1.16 acres</b>			
(1) Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201	0.29 acres 1/4 of 1.16 acres	0.36250%	Deemed Leased
<b>II. OIL &amp; GAS FEE OWNERSHIP</b>			
<b>Tract #2, 6.67 acres</b>			
(1) Thomas Stilwell Heirs, Devisees, Successors or Assigns	6.67 acres	8.33750%	Deemed Leased
(a) David W. Stilwell 2107 7th Avenue Apt. 15 Belle Fourche, SD	0.0926 acres 1/72 of 6.67 acres	0.11580%	Deemed Leased
(b) Quentin A. Stilwell P. O. Box 1013 Rhame, ND 58525	0.0926 acres 1/72 of 6.67 acres	0.11580%	Deemed Leased
<b>Tract #3, 1.15 acres</b>			
(1) Linkous Horn Heirs, Devisees Successors or Assigns	1.15 acres	1.43750%	Deemed Leased
(a) Sydney Smith 1911 McViey Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.04792%	Deemed Leased
(b) Kenneth Roy Osborne 1721 19th Street N.E. Roanoke, VA 24012	0.0383 acres 1/30 of 1.15 acres	0.04792%	Deemed Leased
(c) Martha Guiliams 1911 McViey Road Salem, VA 24153	0.0383 acres 1/30 of 1.15 acres	0.04792%	Deemed Leased
(d) Ivory J. Horn P. O. Box 748 Raven, VA 24639	0.0383 acres 1/30 of 1.15 acres	0.04792%	Deemed Leased
(e) Perry W. Horn 700 Meadowbrooke Dr. Apt. 8 King, NC 27021	0.0383 acres 1/30 of 1.15 acres	0.04792%	Deemed Leased
(f) Larry M. Horn P. O. Box 131 Rarden, OH 45671	0.0383 acres 1/30 of 1.15 acres	0.04792%	Deemed Leased
(g) Dorothy Horn Rt. 3, Box 21 Cedar Bluff, VA 24609	0.1150 acres 1/10 of 1.15 acres	0.14375%	Deemed Leased
(h) Merl Ann Taylor Rt. 1, Box 1445 Cedar Bluff, VA 24609	0.1150 acres 1/10 of 1.15 acres	0.14375%	Deemed Leased

## UNIT S-35

Docket # VGOB-98-0915-0681

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## List of Unleased Owners/Claimants

	Acres in Unit	Percent of Unit	Election
(i) Thelma H. Osborne P. O. Box 33 Raven, VA 24639	0.1150 acres 1/10 of 1.15 acres	0.14375%	Deemed Leased
(j) Martha H. Smith P. O. Box 395 Max Meadows, VA 24360	0.1150 acres 1/10 of 1.15 acres	0.14375%	Deemed Leased
(k) Sarah H. Day P. O. Box 208 Peterstown, WV 24963	0.1150 acres 1/10 of 1.15 acres	0.14375%	Deemed Leased
(l) Joseph H. Horn P. O. Box 775 Raven, VA 24639	0.1150 acres 1/10 of 1.15 acres	0.14375%	Deemed Leased
(m) Nancy H. Stilwell Rt. 4, Box 722 North Tazewell, VA 24630	0.1150 acres 1/10 of 1.15 acres	0.14375%	Deemed Leased
(n) Clifford Osborne P. O. Box 613 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(o) James R. Osborne P. O. Box 495 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(p) Shirley Keene P. O. Box 581 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(q) Mary Keen Rt. 1, Box 157 Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(r) John Osborne Rt. 1, Box 159 Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(s) Ronnie Osborne General Delivery Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(t) Brenda Justice P. O. Box 27 Oakwood, VA 24631	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(u) Richard Osborne P. O. Box 541 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(v) Charles M. Osborne P. O. Box 585 Keen Mountain, VA 24624	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(w) Ruth Keen Address Unknown	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased
(x) Patsy Moore General Delivery Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.01307%	Deemed Leased

UNIT S-35

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UNIT S-35

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Exhibit E

## List of all Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
<b>Tract #2, 6.67 acres</b>		
<b><u>COAL FEE OWNERSHIP</u></b>		
(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	6.67 acres	8.33750%
<b><u>OIL &amp; GAS FEE OWNERSHIP</u></b>		
(1) Thomas Stilwell heirs, Devisees Successors or Assigns	6.67 acres	8.33750%
(a) Beulah V. Osborne HC 62, Box 109 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.04219%
(b) Martha J. Stilwell HC 62, Box 95 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.04219%
(c) Virginia N. Stilwell HC 62, Box 97 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.04219%
(d) Arthur M. Stilwell HC 62, Box 93 Raven, VA 24639	0.8338 acres 1/8 of 6.67 acres	1.04219%
(e) Exie Osborne General Delivery Shortt Gap, VA 24647	0.8338 acres 1/8 of 6.67 acres	1.04219%
(f) Hubbard Osborne HC 62, Box 89 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(g) Linda S. Shelton P. O. Box 8 Shortt Gap, VA 24647	0.0926 acres 1/72 of 6.67 acres	0.11580%
(h) Jerline Davis 10 Davis Street North Tazewell, VA 24630	0.0926 acres 1/72 of 6.67 acres	0.11580%
(i) Arlin W. Osborne P. O. Box 446 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(j) Jackie D. Osborne Rt. 1, Box 209 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(k) Daniel J. Osborne HC 62, Box 80 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(l) Sylvia A. Shelton St. Rt. Box 81A Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%

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## List of all Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(m) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.0926 acres 1/72 of 6.67 acres	0.11580%
(n) Lois Casey P. O. Box 162 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(o) Cora Arnold P. O. Box 626 Raven, VA 24639	0.2779 acres 1/24 of 6.67 acres	0.34740%
(o) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(p) Jay C. Stilwell P. O. Box 1035 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(q) Wanda Hagy P. O. Box 1738 Richlands, VA 24641	0.0926 acres 1/72 of 6.67 acres	0.11580%
(r) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.0926 acres 1/72 of 6.67 acres	0.11580%
(s) Theodore Stilwell P. O. Box 626 Raven, VA 24639	0.0926 acres 1/72 of 6.67 acres	0.11580%
(t) Curtis Stilwell General Delivery Doran, VA 24612	0.0926 acres 1/72 of 6.67 acres	0.11580%
(u) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103	0.2779 acres 1/24 of 6.67 acres	0.34740%
(v) Gladys E. Pollert 702 21st South, Apt. 2 Fargo, ND 58103	0.0926 acres 1/72 of 6.67 acres	0.11580%
(w) David W. Stilwell 2107 7th Avenue Apt. 15 Belle Fourche, SD	0.0926 acres 1/72 of 6.67 acres	0.11580%
(x) Thomas H. Stilwell Rt. 1 Bowler, WS 54416	0.0926 acres 1/72 of 6.67 acres	0.11580%
(y) Quentin A. Stilwell P. O. Box 1013 Rhame, ND 58525	0.0926 acres 1/72 of 6.67 acres	0.11580%
(z) Daniel J. Stilwell 600 South 9th Street #64 Bismark, ND 58504	0.0926 acres 1/72 of 6.67 acres	0.11580%



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Docket # VGOB-98-0915-0681

## Exhibit E

## List of all Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit
(aa) Bernice R. Lamb 3100 Vermillion Hastings, MN 55033	0.0926 acres 1/72 of 6.67 acres	0.11580%

## Tract #3, 1.15 acres

**COAL FEE OWNERSHIP**

(1) Hurt McGuire c/o Charles Green 1805 1/2 Jefferson Avenue Bluefield, WV 24701	1.15 acres	1.43750%
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(x) Patsy Moore General Delivery Raven, VA 24639	0.0105 acres 1/110 of 1.15 acres	0.01307%

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 12th day of May, 1999, at 12:38 P.M. Deed Book No. 491 and Page No. 700. TESTE: James M. Bevins, Jr., Clerk  
Returned this date to; Dmme TESTE: Patricia Daniel Deputy Clerk

INSTRUMENT #990001278  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 12, 1999 AT 12:38PM  
JAMES M. BEVINS JR., CLERK

BY: \_\_\_\_\_

*At*  
(11)

INSTRUMENT #990001278  
RECORDED IN THE CLERK'S OFFICE OF  
BUCHANAN COUNTY ON  
MAY 12, 1999 AT 12:38PM  
JAMES M. BEVINS JR., CLERK

BY: \_\_\_\_\_

*At*  
(10)